

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ERIC L. JEFFRIES,

Plaintiff,

vs.

CENTRE LIFE INSURANCE COMPANY,  
et al.,

Defendants.

Case No. C-1-02-351

(Judge Beckwith)

**DEFENDANTS' SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S  
FIRST SET OF  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION  
OF DOCUMENTS**

Pursuant to the Court's Order dated November 8, 2002, Defendants hereby supplement their previous answers to the interrogatories and requests for documents propounded by Plaintiff Eric Jeffries. With regard to all interrogatory answers and document responses, Defendants refer Plaintiff to the claims file, a copy of which has previously been produced to counsel for Plaintiff. In compliance with the Court's Order, however, Defendants have undertaken a page-by-page review of the claims file in order to identify those pages which it believes are most responsive to Plaintiff's requests. Defendants cannot and do not purport to substitute their judgment or the judgment of their counsel for that of Plaintiff in the evaluation of Plaintiff's case. Defendants, therefore, caution Plaintiff to consider the entirety of the claims file produced. During the evaluation of any claim for individual disability benefits, the entirety of the information available to Defendants is considered, and the entire claims file is, therefore, potentially responsive.

**SUPPLEMENTAL ANSWERS TO INTERROGATORIES**

2. Identify every individual or entity with whom the defendants or their agents or attorneys have spoken to or corresponded with in any form or fashion with regard to Eric Jeffries and/or his Claim.

**ANSWER:** Objection. Overbroad, burdensome and oppressive. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** Review of the claims file indicates that Defendants and/or their agents have corresponded with the following:

Michael Roberts  
Lance Faniel  
Bill Hines  
Provident Bank Human Resources Dept. (Sharon Brummett)  
Brian Wentworth  
The Nightingale Research Foundation  
Michael McClellan  
Mitchell Clionsky  
John Graff  
Patricia Smith  
Jeff Champagne  
Heather from Dr. Bastien's office  
Bill Gelardi  
Todd Kelly  
Sheila Bastien  
Loretta Braga  
Lucinda Palmer  
James Garb  
Spencer McNeal  
Barb Bailey  
Joy Ahlers  
Michael Luggen  
John Midghall  
Jerry at PMSI  
Corwin Dunn  
Don Doherty  
Richard Turek  
Barbara Lee

3. For each person or entity identified in Interrogatory #2 above, state the date of each contact, the substance of each contact, and produce all documents, including notes of conversations, relating to, referring to, or memorializing the contact or discussion.

**ANSWER:** Objection. Overbroad, burdensome and oppressive. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** Pursuant to Rule 33(d), of the Federal Rules of Civil Procedure, Defendants refer to the following pages of its claims file which identify contacts made with regard to Plaintiff's claim and the date. Each of the documents speaks for itself and addresses the substance of each contact. It should be noted that a majority of the information identified herein is information submitted by Plaintiff or Plaintiff's counsel. Additionally, in several cases, duplicate copies of medical records exist. Every effort has been made to identify those duplications but because of the voluminous and repetitive submissions by Plaintiff and Plaintiff's counsel, Defendants do not warrant that every duplicate submission has been identified. Once again, Defendants refer to the entirety of its claims file for clarification of what submissions are duplications.

492-942 <sup>1</sup>	952-954	976-981
956-963	965-970	984-985
1164-1165	1169-1170	1174-1177
1194-1195	1214-1229	1230
1243-1245		
1247-1249	1252	1253
1254	1255	1260
1261	1262	1264-1266
1270	1273	1275
1276	1277	1279-1280
1282	1343-1344	1345-1346
1349-1350	1351-1352	1376
1377	1382	1385-1387
1389-1390	1391	1392
1394-1395	1397-1398	1399-1407
1410	1412-1415	1417-1419
1429-1431	1433-1435	1438-1439
1447	1451-1452	1453-1454
1457-1458	1463-1464	1466
1467	1468-1469	1470
1477-1478	1479-1485	1487
1488-1500	1504	1505

<sup>1</sup>Copy of a Prudential insurance submission received from counsel for Jeffries.

1506	1513	1514-1516
1517-1521	1577-1579	1585-1589
1592-1595	1603-1606	1609-1628
1634	1635-1637	1639-1642
1646	1648-1650	1657
1660-1662	1668	1669-1679
1680	1682	1684-1687
1692-1693	1694	1695-1996
1698-1702	1706-1708	1711
1712	1716-1717	1719-1721
1727-1734	1760-1762	1768
1770-1771	1772-1773	1774-1775
1795	1797	1798
1801-1803	1804	1813
1817-1818	1821	1823
1834	1835	1838-1839
1840	1842-1845	1846-1847
1849-1850	1866	1868
1869-1872	1873-1875	1879-1881
1885	1887	1888-1896
1899	1905	1914-1915
1916	1917	1919
1920	1923	1924
1937-2076	2077	2131
2177-2179	2180-2181	2192-2195
2196-2197	2206	2272-2273
	2294-2295	2348-2352
2354-2355	2357-2361	2366-2370
2376	2446-2448	2546
	2554	2556-2558
2589-2590	2602	2603-2607
2620	2621-2623	2630
2647-2648	2673	2675-2676
2735-2736	2753	2756
2758-2759	2817	
2820	2822-2823	2835-2836
2838	2904	2906
2914	2915	2916-2917
2918	2920	2922
2926	2986	2988-2989
3026-3028	3029	3130
3030	3105	3107-3110
3131	3112-3114	3116
3117	3133	3118
3119	3120-3122	3128

4. Identify, by specifically describing them below (and producing), each document or item of information upon which you assert that Mr. Jeffries is not disabled or not entitled to benefits under the Policy.

**ANSWER:** Objection. Overbroad, burdensome and oppressive. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** A determination regarding Mr. Jeffries' disability or entitlement to benefits under the policy has not yet been made. With regard to the suspension of Mr. Jeffries' benefits, however, please see the following pages of Plaintiff's claims file which memorialized Mr. Jeffries' refusal to submit required forms and attend an independent medical examination.

378-398 <sup>2</sup>	978-981	1164-1165
1174-1177	1190-1191	1192-1192

5. Identify all persons who supplied defendants with the information requested in Interrogatory #4.

**ANSWER:** Objection. Overbroad, burdensome and oppressive. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** Please see answer to interrogatory No. 4. The information supplied in interrogatory No. 4 regarding Mr. Jeffries' refusal to attend an IME and submit necessary forms came from Mr. Jeffries and his counsel Michael Roberts.

6. Identify all physicians, or other health care professionals, with whom defendants have spoken, corresponded, or from whom the defendants have received information concerning Mr. Jeffries.

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<sup>2</sup> (Copy of policy).

**ANSWER:** Objection. This request seeks information which may be protected by the work product doctrine. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** Most of the medical information contained in Plaintiff's claims file has been submitted to Defendants by Plaintiff or Plaintiff's counsel. Although Defendants requested that Mr. Jeffries attend an IME, he refused. Review of the information submitted by Sheila Bastien was performed by Mitchell Clionsky at the Neuropsychology Association of Western Massachusetts. Documents from Dr. Clionsky are found at pages 973-975, 982 and 1214-1229. Plaintiff has also reviewed documents from the following providers, which documents were submitted by Mr. Jeffries and/or his counsel:

Robert Curran	563-567
Sheila Bastien	646-703
	1283-1340
Corwin Dunn	705-710
Byron Hyde <sup>3</sup>	716-719
	721-748
	750-756
	1581-1584
	1599-1600
	1722-1725
Michael Luggen	762-773-781
Padma Mangu	782-795
Michael McClellan	799-807
Dr. DeMeirlier	809-815
Charles Poser	1005-1008
Galen Spickett	817-819
Burton Waisbren	824-871
Smith, Klein, Beechum	554-559
UCI Brain Imaging Center	511-513
	758-760
Curt Sandman	986-1004
Burton Zweiman	1068-1078

7. Identify all sources of information utilized by defendant in its review, analysis, and determination of Mr. Jeffries' Claim.

**ANSWER:** Objection. Overbroad, burdensome and oppressive. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

<sup>3</sup> There are numerous duplicate copies of Dr. Hyde's credentials and anecdotal evidence through the claims file (all of which were submitted by Plaintiff).

**SUPPLEMENTAL ANSWER:** The entirety of Mr. Jeffries' claims file is considered during DMS's review and analysis of Mr. Jeffries' claim. As stated previously, no final determination has been made regarding Mr. Jeffries' claim due to Mr. Jeffries' breach of his contract. During the course of analysis, information from numerous sources was considered, primarily information submitted by Mr. Jeffries. *See* Answers to Interrogatories 3, 4, 6, and 11, with regard to specific information. Defendants do not warrant that this is the entirety of the information considered, however, as the entirety of the information considered is the entire claims file.

8. Identify each individual, employed by defendant or otherwise, whom defendant believes has knowledge of any information relating to Mr. Jeffries' Claim, and, for each such individual, state the facts, action, or conduct of which the individual has knowledge.

**ANSWER:** Please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** Please see answers to interrogatories 2, 3 and 6.

9. Identify the names of all individuals involved, or consulted by defendant, in the evaluation of Mr. Jeffries' Claim since February 1999.

**ANSWER:** Please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** *See* Answer to interrogatory No. 2.

10. Identify and produce all records reviewed by any physician whom the defendants or their agents or attorney engaged to review Mr. Jeffries' health, physical, or mental condition.

**ANSWER:** Objection. This request seeks information which may be protected by the work product doctrine. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL ANSWER:** Dr. Mitchell Clionsky reviewed the report and raw data of Sheila Bastien. A copy of Dr. Bastien's report and raw data is found in the claims files at pages 646-730 and 1283-1340. This information was submitted by Plaintiff and is also in the hands of Plaintiff.

11. Identify all surveillance or investigatory personnel or agencies whom defendants have engaged to investigate Mr. Jeffries, including the identity of such personnel retained by other insurers within defendants' knowledge or by counsel for defendants.

**ANSWER:** Objection. This request seeks information which is protected by the work product doctrine.

**SUPPLEMENTAL ANSWER:** Information regarding surveillance conducted by Prudential Insurance Company was submitted to Defendants by counsel for Plaintiff. Notwithstanding, the claims file contains surveillance reports from the following companies:

InPhoto Surveillance  
CS Claims Group, Inc.  
Corporate Investigative Services, Inc.  
Progressive Group

The reports of these companies have been withheld as privileged.

#### **SUPPLEMENTAL RESPONSES TO DOCUMENT REQUESTS**

2. Produce all documents referring or relating to the Policy Mr. Jeffries, or the Claim, including but not limited to electronically stored information and handwritten notes of communications and conversations.

**RESPONSE:** Please see application file and claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL RESPONSE:** There is no additional electronically stored information responsive to this request other than that information which has already been printed and made part of the claims file. Any stored e-mails are maintained for only a six-month period. Notwithstanding electronic maintenance, copies of e-mails or other electronically stored information considered in the evaluation of Mr. Jeffries' claim is printed and made a part of the claims file.

12. Produce all documents and things you have received from: (i) Mr. Jeffries; (ii) Mr. Jeffries' counsel; (iii) physicians Mr. Jeffries has seen or had communications with; (iv) Provident Bank regarding Mr. Jeffries; (v) Prudential Insurance Company regarding Mr. Jeffries;



(vi) for DMS, Massachusetts Casualty or Centre Life Insurance Company; and (vii) for Centre Life Insurance Company (f/k/a Massachusetts Life Insurance Company), from DMS.

**RESPONSE:** Objection. This request is vague, ambiguous and difficult to understand. Notwithstanding this objection, please see claims file and application file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL RESPONSE:** Please see Defendants' Answers to Interrogatories 2, 3, 6, and 11.

13. Produce all documents and things you have received from any third party which relates to or refers to Mr. Jeffries as well as those which do not mention Mr. Jeffries' by name but which you believe are relevant to him or his Claim.

**RESPONSE:** Objection. This request is overly broad and unduly burdensome and oppressive. Without waiving this objection, please see claims file which is available for inspection and copying at the office of Defendants' counsel.

**SUPPLEMENTAL RESPONSE:** See Answer to Document Request No. 12.

17. Produce all documents and things evidencing or relating to the contention asserted in your Answer filed in this action that: (i) Mr. Jeffries is not disabled; and (ii) that Mr. Jeffries breached any purported obligations he has under the Policy.

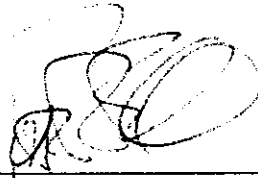
**RESPONSE:** Please see claims file which is available for inspection and copying at the office of Defendants' counsel as well as a copy of the disability insurance policy at issue in this litigation.

**SUPPLEMENTAL RESPONSE:** See Supplemental Response to Interrogatory No. 4.

22. Produce all organizational charts for your organization in effect since April 1996.

**RESPONSE:** Objection. This request is vague and ambiguous, overly broad, unduly burdensome and oppressive. Moreover, it seeks information which is not relevant to the subject matter of this lawsuit nor calculated to lead to the discovery of admissible evidence.

**SUPPLEMENT RESPONSE:** MCIC does not have an organizational chart. A copy of DMS's current organizational chart is attached.



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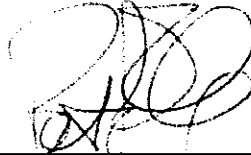
(Facsimile) (513) 852-6087

Attorneys for Defendants

Massachusetts Casualty Insurance Company  
and Disability Management Services, Inc.

**CERTIFICATE OF SERVICE**

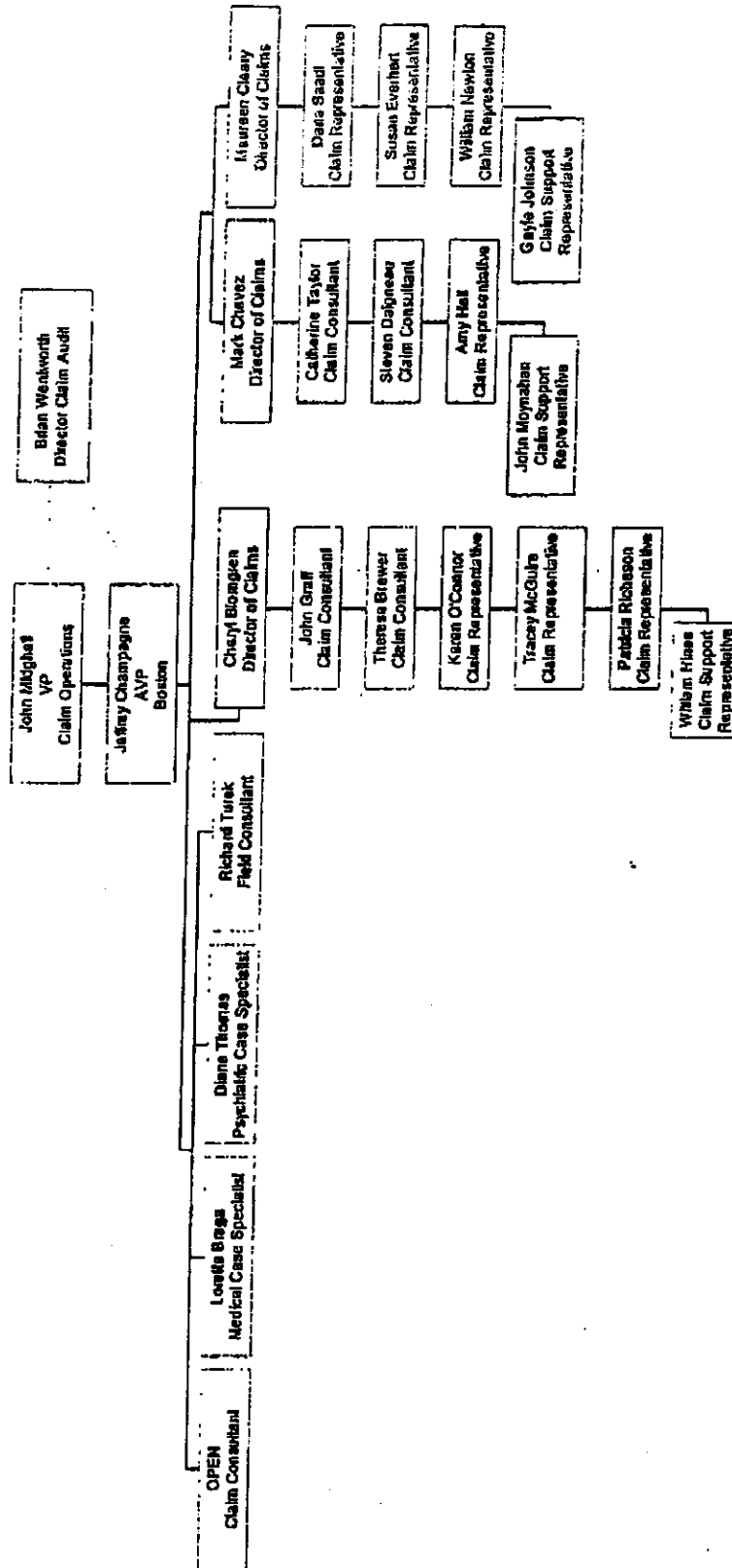
I hereby certify that a copy of the foregoing Defendants' Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents was served upon Michael A. Roberts, Graydon, Head & Ritchey, 1900 Fifth Third Center, 511 Walnut Street, Cincinnati, Ohio 45202, by regular U.S. Mail, postage prepaid, this 10<sup>th</sup> day of January, 2003.

A handwritten signature in black ink, appearing to read 'P. M. Burrell', is written over a horizontal line.

Peter M. Burrell

142926.2

**Disability Management Services, Inc.**  
Claim Department  
Boston



DMS 0001